

STATE BOARD OF EDUCATION
Consent Item
November 18, 2014

SUBJECT: Approval of Repeal of Rules 6M-8.200, 6M-8.2015 and 6M-8.202, related to the Voluntary Prekindergarten Education Program

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.213(2), Florida Statutes

EXECUTIVE SUMMARY

The following rules are to be repealed:

The Office of Early Learning (OEL) administers federal and state child care funds and partners with 30 local early learning coalitions to deliver comprehensive early learning services statewide. The office oversees three programs—the School Readiness Program, the Voluntary Prekindergarten (VPK) Education Program, and Child Care Resource and Referral services. OEL is required to submit its rules to the State Board of Education for approval.

The identified rules are being repealed. Some of the content has been superseded by legislative changes. The remaining requirements are being incorporated into a single rule related to child enrollment. The time frame for the pilot program (Rule 6M-8.2015, FAC) has expired.

Supporting Documentation Included: Repealed Rules: 6M-8.200, Documenting Child Eligibility for the VPK Program, 6M-8.2015, VPK Child Registration Pilot Project, and 6M-8.202, Child Eligibility Determination and Enrollment Procedures;

Facilitator: Shan Goff, Executive Director, Office of Early Learning

6M-8.200 Documenting Child Eligibility for the VPK Program.

An early learning coalition shall determine the eligibility of a child registering for the VPK program in accordance with Section 1002.53(2), F.S. A coalition shall document a child's eligibility, as follows:

(1) Age eligibility.

(a) To be eligible for VPK, a child must be 4 years of age, but not 5 years of age or older, on September 1 of the program year.

(b) The Coalition shall keep a record of at least one of the following supporting documents that shows the child's name and date of birth:

1. An original or certified copy of the child's birth record filed according to law with the appropriate public officer;

2. An original or certified copy of the child's certificate of baptism or other religious record of the child's birth, accompanied by an affidavit stating that the certificate is true and correct, sworn to or affirmed by the child's parent;

3. An insurance policy on the child's life which has been in force for at least 2 years;

4. A passport or certificate of the child's arrival in the United States;

5. An immunization record signed by a public health officer or licensed practicing physician; or

6. A valid military dependent identification card.

7. If no supporting documents listed in subparagraphs (1)(b)1.-6. above are available, a coalition may accept a parent's sworn affidavit of the child's age accompanied by a certificate of age signed by a public health officer or physician stating that the child's age shown in the affidavit is true and correct.

(c) If a child's parent is unable to submit any of the supporting documentation listed in paragraph (a), the coalition shall document the child's age based on an affidavit sworn to or affirmed by the child's parent. The affidavit must be accompanied by a certificate of age, signed by a public health officer or by a licensed practicing physician which states that the physician has examined the child and believes that the age shown in the affidavit is true and correct.

(2) Residential eligibility.

(a) To be eligible for VPK, a child must reside in Florida while attending the VPK program.

(b) The coalition shall keep a record of at least one of the following supporting documents that shows the name and residential address of a parent with whom the child resides:

1. Utility bill;

2. Pay stub;

3. Residential rental agreement or receipt from rental payment;

4. Government-issued document (e.g., Florida driver's license, Florida identification card, property tax assessment showing a homestead exemption); or

5. Military order showing that the child's parent is a service member in the United States Armed Forces and is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station).

6. If no supporting documents listed in subparagraphs (2)(b)1.-5. above are available, a coalition may accept an affidavit sworn to or affirmed by the child's parent accompanied by a letter from a landlord or property owner which confirms that the child resides at the address shown in the affidavit.

7. If no supporting documents listed in subparagraphs (2)(b)1.-6. above are available for a homeless child as defined in Section 1003.01, F.S., a coalition shall document residency based on other supporting documents showing that the child is homeless and resides in Florida (e.g., letter from a homeless shelter or affidavit sworn to or affirmed by the child's parent).

Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.53(2), (3), (4), 1002.69(4), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. FS. History—New 1-19-06, Amended 5-24-07, Formerly 60BB-8.200, Repealed

6M-8.2015 VPK Child Registration Pilot Project.

(1) Pilot Project. There is created a VPK child registration pilot project for the 2007-2008 and 2008-2009 program years in Baker, Bradford, Clay, Collier, Gadsden, Glades, Hendry, Jefferson, Lee, Leon, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Osceola, Wakulla, Walton, St. Lucie, and Taylor counties.

(2) Eligibility. A private VPK provider must meet the following requirements for initial eligibility to participate in the pilot project and must continue to meet the requirements to maintain its eligibility:

(a) The private provider must apply to participate in the pilot project on forms adopted by the early learning coalition. The following information must be included on the form: the name of the private provider, the address and telephone number of the provider's VPK site, the name of the provider's prekindergarten director or designee, the date that the director or designee attends the training session required under paragraph (c). Additional information demonstrating that the provider is eligible under this rule to participate in the pilot project may be required by the coalition.

(b) The private provider must have delivered instruction in the VPK program for at least two program years.

(c) The private provider's prekindergarten director or designee must attend a training session conducted by the coalition which instructs the provider on procedures for registering a child in the VPK program, accepting a child application and supporting documents on behalf of the coalition, and conducting a parent-orientation session or exhibiting a parent-orientation video.

(d) The private provider must comply with this rule.

(e) The private provider's VPK site must be located in one of the pilot counties listed in subsection (1).

(f) The private provider, while participating in the pilot project, must annually sign and submit to the coalition Form OEL-VPK 21 (Addendum to Statewide Provider Agreement), dated February 14, 2007, which is hereby incorporated by reference in and may be obtained as described in Rule 6M-8.900, F.A.C.

(g) The private provider must record daily child attendance using a paper sign-in or sign-out log or electronic attendance-tracking system described in paragraph 6M-8.305(2)(a), F.A.C.

(h) The private provider must submit accurate and timely monthly attendance rosters for the VPK program in accordance with subsection 6M-8.305(3), F.A.C. If a private provider is a school readiness provider, the provider must also submit accurate and timely monthly attendance rosters for the school readiness. A private provider is not eligible for the pilot project if, during previous 24 months, the provider:

1. Submitted two or more consecutive, or a combined total of four or more, monthly attendance rosters 10 or more calendar days after the required submission date;

2. Submitted two or more consecutive, or a combined total of four or more, monthly attendance rosters containing inaccurate reporting of a child's attendance;

3. Failed to repay an overpayment by the required repayment date after the coalition discovered the overpayment and requested repayment;

4. Submitted a monthly attendance roster resulting in an overpayment that exceeded 20 percent of the payment for a calendar month due to the provider's inaccurate reporting of a child's attendance; or

5. Submitted a monthly attendance roster containing fraudulent or other intentional misreporting of a child's attendance.

(i) A private provider licensed by the Department of Children and Family Services or a local licensing agency is not eligible for the pilot project if the provider's license status, as recorded in the department's Child Care Information System, is "Revocation Action Pending," "Suspension Action Pending/Suspended," or "Closed."

(3) Child Registration Procedures. A coalition shall allow a private provider eligible for the pilot project, to register a child for the VPK program on behalf of the coalition. A private provider may only register a child under this rule whom the provider admits in one of its VPK classes and must comply with the following registration procedures:

(a) Notwithstanding subsection 6M-8.201(1), F.A.C., a parent registering his or her child for the VPK program under this rule must complete, sign, and submit to the private provider Form OEL-VPK 01P (Child Application and Provider Admission), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as

described in Rule 60BB-8.900, F.A.C. A parent must submit Form OEL-VPK 01P to the private provider with supporting documents of the child's age and residential address required under Rule 6M-8.200, F.A.C.

(b) Notwithstanding paragraph 6M-8.201(3)(a), F.A.C., a private provider participating in the pilot project shall conduct the parent-orientation session or exhibit the parent-orientation video in accordance with subsection 6M-8.201(3), F.A.C.

(c) Within 5 working days after a child's parent registers the child with a private provider, the provider shall review the child's Form OEL-VPK 01P and supporting documents, as follows:

1. The private provider shall submit a child's Form OEL-VPK 01P and supporting documents to the coalition if the child's Form OEL-VPK 01P is complete, signed, and submitted with the required supporting documents; the provider predetermines that the child appears to be eligible for the VPK program; and the provider admits the child in one of the provider's VPK classes.

2. The private provider shall return a child's Form OEL-VPK 01P and supporting documents to the child's parent if the child's Form OEL-VPK 01P is not complete, not signed, or not submitted with the required supporting documents.

3. If a child does not appear to be eligible, the provider shall return the child's Form OEL-VPK 01P and supporting documents to the child's parent and, on the blank spaces included on Form OEL-VPK 01P, notify the parent of the reasons that the child does not appear to be eligible and that the provider's predetermination is not the coalition's official determination of the child's eligibility. The parent may then apply directly with the coalition.

(d) In accordance with Rule 6M-8.202, F.A.C., a coalition shall determine the eligibility of a child registering for the VPK program under this rule. Notwithstanding paragraph 6M-8.202(1)(c), F.A.C., a coalition is not required to issue a certificate of eligibility for a child registering under this rule.

(e) If a coalition determines that a child is not eligible for the VPK program, the coalition shall inform the private provider and the child's parent in writing why the child is not eligible and return the child's Form OEL-VPK 01P and supporting documentation to the parent.

(4) Payment for Pilot Project Prohibited. A coalition, qualified contractor, or subcontractor may not pay or otherwise compensate a private provider for participating in the pilot project, registering a child in the VPK program under this rule, accepting a child application or supporting documents on behalf of the coalition, conducting a parent-orientation session, or exhibiting a parent-orientation video.

(5) School District. Notwithstanding Rules 6M-8.201 and 6M-8.202, F.A.C., a school district, if allowed under a contract with the coalition, may use the child registration procedures in subsection (3) to register a child for the district's VPK programs in the district's public schools, regardless of whether the district is a pilot county listed in subsection (1).

Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.53(2), (4), (5), 1002.75(2)(a), (b) FS. History—New 5-24-07, Formerly 60BB-8.2015, Repealed

6M-8.202 Child Eligibility Determination and Enrollment Procedures.

~~(1) Determining Child Eligibility.~~

~~(a) A coalition, in accordance with Rule 6M-8.200, F.A.C., shall determine the eligibility of a child registering for the VPK program.~~

~~(b) A coalition shall determine a child's eligibility face-to-face with the child's parent unless the coalition is not required under paragraph 6M-8.201(4)(b), F.A.C., to conduct a parent-orientation session or exhibit a parent-orientation video for the child's parent.~~

~~(c)1. A coalition, upon determining that a child is eligible for the VPK program, shall issue the child's parent Form OEL-VPK 02 (Child Eligibility and Enrollment Certificate) dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 6M-8.900, F.A.C.~~

~~2. A coalition may issue a certificate of eligibility which is substantially similar to Form OEL-VPK 02 if the certificate:~~

~~a. Includes the phrases "State of Florida" and "Voluntary Prekindergarten Education Program;"~~

~~b. Includes the name of the early learning coalition issuing the certificate, or on whose behalf the certificate is issued;~~

~~c. Identifies the program year and type of program (i.e., school-year or summer program) for which the certificate is issued;~~

~~d. Clearly shows the eligible child's name and identifying information; and~~

~~e. Does not include the logo of the Office of Early Learning, or AWI form number (i.e., Form OEL-VPK 02).~~

~~(2) Enrollment.~~

~~(a) A VPK provider may only enroll a child in the VPK program after the coalition determines that the child is eligible for the program. To enroll an eligible child, the VPK provider admitting the child must submit the child's certificate of eligibility and the child's assigned VPK class to the coalition.~~

~~(b) A coalition must allow a VPK provider to enroll a child who resides in a Florida county other than the county where the provider's VPK site is located.~~

~~(c) A VPK provider may only enroll a child with the coalition of the county where the provider's VPK site is located, regardless of the county in which the child resides.~~

~~(d) A coalition shall complete a child's enrollment in the statewide information system by recording an association between the child and the child's assigned VPK class. A coalition is encouraged, but not required, to notify a parent by mail after his or her child's enrollment is complete.~~

Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.53(2), 1002.75(2)(a) FS. History--New 1-19-06, Amended 5-24-07, Formerly 60BB-8.202, Repealed